

**Exhibit B**

Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

Nathen Barton,

Plaintiff

v.

Serve All, Help All, Inc.

and

John Doe 1-10

Defendant(s).

CASE NO. 3:21-CV-05338-BHS

**PLAINTIFF'S FIRST REQUEST  
FOR ADMISSION**

**PLAINTIFF'S FIRST REQUESTS FOR ADMISSION**

Plaintiff Nathen Barton ("Barton") respectfully submits the following Requests for Admission to Defendant Serve All, Help All Inc. ("SAHA") in accordance with FRCP 36.

SAHA is requested to produce its responses to these Requests for Admission ("Admissions") within thirty (30) days of service hereof, to Nathen Barton, 4618 NW 11th Cir, Camas WA 98607.

In answering you are required to use all information which is available to you or your legal representatives, by whatever means, not merely such information known of your own personal knowledge. If you claim privilege for any reason in response to any Admission,

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1 provide the following information with respect to the response: the persons with knowledge of  
2 the subject matter; description of the subject matter; recipients of the subject matter; and nature  
3 of the privilege relied upon.

4 For the purposes of these Requests for Admission, the following terms shall have the  
5 meanings indicated:

**Instructions and Definitions**

7 "Refer" or "relate" means reflecting, containing, pertaining, referring, relating, indicating,  
8 showing, describing, evidencing, discussing, mentioning, computing, or concerning.

9 "Document" or "documents" shall have the same mean, and shall include, but is not  
10 limited to any written, printed, typed, recorded, electronic, or graphic matter of every  
11 type and description, however and by whomever prepared, produced, reproduced,  
12 disseminated or made, in any form, including, but not limited to letters, correspondence,  
13 telegrams, memoranda, records, minutes, contracts, agreements, estimates, invoices,  
14 purchase orders, work orders, leases, communications, electronic mail ("e-mail")  
15 transmissions, microfilm, bulletins, circulars, pamphlets, studies, reports, notices, diaries,  
16 summaries, books, messages, instructions, notes, notebooks, drafts, data sheets, data  
17 compilations, work sheets, statistics, speeches, tapes, tape recordings, electronically  
18 stored information, computer data discs and/or backup tapes and/or discs, and other  
19 writings, tapes, magnetic, photographic, electronic, and sound recordings. The term  
20 "document" or "documents" shall include each copy of which is not identical to the  
21 original or to any other produced copy.

22 "Record" or "records" includes written or electronically stored information, or human  
23 knowledge that events occurred, information was taken, or actions were taken.

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1 “Lead” or “leads” means potential customer information such as, but not limited to, the  
2 customer’s name, phone number(s), address(es), age, interests, wealth, needs, spousal  
3 status, spousal information, children, relatives, property, IP address, purchase history,  
4 web site visit history, religious affiliation, political affiliation, or medical history.

5 “DNC” means the national Do-No-Call list maintained by the Federal Trade  
6 Commission.

7 “Robocall” means any call placed by an automated dialing, device, or any call that the  
8 initial speech from the calling entity is an artificial or recorded voice.

9 "Communication," in its singular and plural forms, means any oral or written exchange of  
10 words, thoughts, or ideas to any person or persons, whether it be person to person, in a  
11 group, by telephone, by letter, by e-mail, by telex, by radio transmission, by text  
12 messaging, or by any other process, electronic or otherwise. All such communications  
13 and writings shall include, without limitation, printed, typed, handwritten or other  
14 readable documents, correspondence, memoranda, reports, logbooks, minutes, notes,  
15 audio tapes, video tapes, and radio transmissions.

16 "Electronically stored information" or "ESI" means and shall refer to electronically stored  
17 information generated by, stored in, retrieved from, and exchanged through computers or  
18 other electronic devices.

19 "Person" or "entity" denotes natural persons, corporations, companies, political  
20 corporations or subdivisions, governments, government agencies, partnerships, groups,  
21 firms, associations, trade associations, business trust, public agencies, departments,  
22 bureaus, boards, or other form of public or private organizations of one or more persons  
23 of any description.

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1 "Or" includes the word "and."

2 The singular and plural; masculine, feminine and neuter; and conjunctive and disjunctive  
3 forms of words shall be deemed inclusive of each other in such a way as to call for the  
4 broadest possible response to the discovery Requests in question.

5 If objecting to any Request, specifically state the basis for the objection. Also,  
6 specifically state whether the Request has been fully answered or all the documents have  
7 not been fully produced due to such objection, or whether the Request been fully  
8 answered despite such objection. It will be assumed that information has been withheld if  
9 any Request objected to does not state whether it has been fully answered despite the  
10 objection.

11 With respect to any document withheld on the ground that the document or some portion  
12 thereof may be privileged or protected by the work-product rule, you shall produce so  
13 much of each such document as does not contain any allegedly privileged or otherwise  
14 protected information. You must also furnish a written statement as to each such  
15 document or portion thereof:

- 16 a. Identifying the type of document (such as letter, memorandum, and so on);  
17 b. Identifying the author(s) of the document;  
18 c. Identifying the sender( s) of the document;  
19 d. Identifying each and every recipient of the document;  
20 e. The date(s) on which the document was prepared;  
21 f. A brief description of the nature and subject matter of the document;
- 22  
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- g. A description of how, and in what files, the document was stored and filed, and any legends contained on the document purportedly indicating its privileged or confidential nature;
- h. The privilege or other protection, such as work product protection, asserted; and
- i. The circumstances upon which the claim of privilege or work product protection is based.

Documents gathered from Electronically Stored Information should be provided in the following format:

- a. All e-mails shall be produced in their native format (e.g., .msg, .html).
- b. All spreadsheets (e.g., .xls, .xlsx) shall be produced in their native format.
- c. All word processing documents (e.g., .doc, .docx, .txt, .rtf, .wps) shall be produced in their native format.
- d. All other electronically stored information shall be produced in fixed image format (e.g., .tiff, .pdf).

When a document is produced in its native format, Plaintiff shall produce all aspects of the electronic document's contents, i.e., the original formatting of the document, its metadata and, where applicable, its revision history. When the document is produced in fixed image format, Plaintiff shall preserve the integrity of the electronic document's contents, i.e., the original formatting of the document, its metadata and, where applicable, its revision history and file content.

These Requests shall be deemed continuing in nature so as to require further and supplemental information if Plaintiff receives this information between the time of the original answers and the time of trial.

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1 “Complaint” means Plaintiff’s Complaint filed in the litigation on, or about, April 21th,  
2 2021.

3 “Plaintiff” means Nathen Barton

4 “Defendant” or “you” means Serve All, Help All, Inc.

5 “Litigation” means any action or document related to this case in the United States  
6 District Court, Western District of Washington, Washington, including but not limited to  
7 the complaint(s), answer(s), motion(s), hearing(s), deposition(s), trial, and any matters,  
8 claims, or objections related thereto.

9 “Matter” means the same as “Litigation” and any activity, action, or document relating to  
10 solicitation via Plaintiff’s phone number (360) 91X - XXXX.

11 “Action” means the civil action filed herein that relates to the “Litigation”.

12 “SAHA” includes employees, officers, agents, appointees, managers, or contractors of  
13 Serve All, Help All, Inc., or anyone else working under the apparent authority of Serve  
14 All, Help All, Inc.

15 “Firsthand Knowledge” refers to something which a witness or entity actually saw or  
16 heard, as distinguished from something he or she learned from some other person or  
17 source. It is also a knowledge that is gained through firsthand observation or experience,  
18 as distinguished from a belief based on what someone else has said.

19 “Exhibit A” is the email marked Exhibit A and attached to “FIRST AMENDED  
20 COMPLAINT FOR A CIVIL CASE” to Cause number 3:21-cv-05338-BHS filed in  
21 Federal Court, Western District of Washington. This email is dated on or about 1:08PM  
22 on February 17, 2021 and shows a Carlos Cotta with email address [ccotta@nacalaw.org](mailto:ccotta@nacalaw.org)  
23 sent it to email address farmersbranch2014@gmail.com.

**Exhibit B**

1 “Exhibit B” is the first page of a 3-page pdf file attached to the email marked Exhibit A.

2 “Working for” means the employer in employee-employer relationship, or the principal  
3 in a principal-independent contractor relationship, or the principal in a principal-agent  
4 relationship.

5 “Exhibit C” is one page email dated on or about 5:13PM on February 17, 2021 and  
6 printed and attached to this First Requests for Admissions. This email was sent by  
7 address [farmersbranch2014@gmail.com](mailto:farmersbranch2014@gmail.com) to [ccotta@nacalaw.org](mailto:ccotta@nacalaw.org).

**REQUESTS FOR ADMISSION****ADMISSION NO. 1:**

8 Admit that the recording located at

9 <https://www.youtube.com/watch?v=b4ZBxSyDvdg> is a true and accurate copy of some or all  
10 of a phone call Serve All, Help All, Inc. caused to be initiated to (360) 910-1019 on February 15,  
11 2021.  
12

**ANSWER:**  
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16**ADMISSION NO. 2:**

17 Admit that Serve All, Help All, Inc. caused a phone call to be initiated to (360) 910-1019 on  
18 February 15, 2021, and in that phone call, Serve All, Help All, Inc. played a pre-recorded or  
19 artificial voice.  
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**ANSWER:**  
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**Exhibit B****ADMISSION NO. 3:**

Admit that Serve All, Help All, Inc. caused a phone call to be initiated to (360) 910-1019 on February 15, 2021, and in that phone call, the caller did not identify him or herself and the company or organization on whose behalf the solicitation is being made and the purpose of the call within the first thirty seconds of the telephone call.

**ANSWER:****ADMISSION NO. 4:**

Admit that Serve All, Help All, Inc., prior to causing a phone call to be initiated to (360) 910-1019 on February 15, 2021, did not have the express consent or invitation of Plaintiff to place that phone call.

**ADMISSION NO. 5:** Admit that Serve All, Help All, Inc., used an Automatic Dialing and Announcing Device as defined in Washington State RCW 80.36.400 to initiate a phone call to (360) 910-1019 on February 15, 2021.

**ANSWER:**



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1  
2 **ADMISSION NO. 6:** Admit that that Exhibit A, attached to Plaintiff's First Amended  
3 Complaint in cause number 3:21-cv-05338-BHS, (two pages) is a true and accurate copy of an  
4 email Serve All, Help All, Inc sent to email address FarmersBranch2014@gmail.com on or  
5 about 1:08PM on February 17, 2021, and that Exhibits B, attached to Plaintiff's First Amended  
6 Complaint in cause number 3:21-cv-05338-BHS, (three pages) is a true and accurate copy of a  
7 document attached to that same email.

8 **ANSWER:**  
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12 **ADMISSION NO. 7:** Admit that on February 15, 2021, Serve All, Help All, Inc. when  
13 they caused a phone call to be initiated to (360) 910-1019, the recipient of the phone call was  
14 expected to reside in Washington State.

15 **ANSWER:**  
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19 **ADMISSION NO. 8:** Admit that when you initiated the phone call referred to in  
20 ADMISSION No. 6, you were not trying to reach someone located in Washington State.

21 **ANSWER:**  
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**ADMISSION NO. 9:** Admit that Exhibit C, attached to this Admissions Request, is a true and accurate copy of an email Plaintiff sent to SAHA on or about 5:13PM on February 17, 2021.

**ANSWER:**

**ADMISSION NO. 10:** Admit that no employee, agent, or independent contractor working on behalf of SAHA who spoke to, sent a text message to, or left a voice message for Plaintiff was registered as a commercial telephone solicitor with the Washington State Department of Licensing between February 14, 2021, and February 23, 2021.

**ANSWER:**

**ADMISSION NO. 11:** Admit that Serve All, Help All, Inc was not registered as a commercial telephone solicitor with the Washington State Department of Licensing between February 14, 2021, and February 23, 2021.

**ANSWER:**

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 23, 2021, I caused a true copy of the foregoing “PLAINTIFF’S FIRST REQUEST FOR ADMISSION” to be served by USPS First Class mail with tracking number 9400111108296531530656 upon the following counsel:

Donna Beasley Gibson  
1204 Cleveland Ave  
Mount Vernon WA 98273

I declare under penalty of perjury under the laws of the State of Washington that the foregoing statements are true and correct.

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Nathen Barton  
4618 NW 11<sup>th</sup> Cir  
Camas WA 98607  
Farmersbranch2015@gmail.com